

REMARKS/ARGUMENTS

Claims 1, 4, 7 and 9 are present in this application. By this Amendment, claims 1, 4, 7 and 9 have been amended, and claims 3, 6 and 8 have been canceled. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

In paragraph 3 of the Office Action, the Examiner contends that the Information Disclosure Statement filed June 4, 2007 fails to comply with 37 C.F.R. §1.98(a)(3). As indicated on the Information Disclosure Statement, however, the listed references were cited in a counterpart foreign application, and an English-language version of the foreign Search Report was attached to the Information Disclosure Statement. As noted in MPEP 609.04(a), “the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the Search Report [in a counterpart foreign application].” (The English-language document is listed as an NPL Document in PAIR.) Prompt consideration of the cited references is thus respectfully requested.

Claim 9 was rejected under 35 U.S.C. §112, second paragraph. Without conceding this rejection, claim 9 has been amended to recite that the tapered annular flange extends across a radial width larger than the cylindrical body [of the inserting section]. Applicant thus respectfully submits that claim 9 satisfies the requirements of 35 U.S.C. §112. Withdrawal of the rejection is requested.

Claims 1, 3 and 9 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 2,848,130 to Jesnig. This rejection is respectfully traversed.

In Jesnig, the external cylindrical portion 26 curves inwardly in a sealing shoulder 30, leading tangentially into the planar substantially horizontal radial sealing surface 31. The undercut surface 31 delineates one side of a peripheral recess or groove 32 (see col. 5, lines 55-

59). The lower surface of the recess 32 is defined by the horizontal wall 34 generally parallel with the surface 31 that forms at and is adjacent the peripheral edge 36 of the hooking or anchoring surface of the valve unit (see col. 5, lines 63-67). The valve unit in Jesnig, however, does not include an annular groove provided between an operating section and a closing section. Claims 1 and 9 have been amended to recite that an annular groove is provided between the operating section and the closing section such that the operating section can be easily grasped. Support for this amendment can be found in the specification at, for example, page 5, lines 5-7 and Figs. 1 and 2. The groove 32 in Jesnig is rather provided between the cylindrical portion 26 and the peripheral edge 36 but not between the extending frames 27 and the cylindrical portion 26.

Moreover, claim 1 has been further amended to recite that the cylindrical body of the inserting section has a constant diameter and at least two flanges projected from the cylindrical body. In contrast, the valve unit of Jesnig does not include the inserting section with a cylindrical body having a constant diameter and at least two tapered annular flanges projected from the cylindrical body. Rather, as noted, the external cylindrical portion 26 curves inwardly, and at best, Jesnig only discloses a single flange. Claim 9 similarly recites that the inserting section includes a cylindrical body and at least two annular flanges. For this reason also, Applicant respectfully submits that the rejection is misplaced.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1, 3, 4, 6 and 9 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,193,402 to Rumpler. This rejection is respectfully traversed.

In the Rumpler patent, a skirt 2 comprises two parallel peripheral flanges or collars 5, 6. The flanges are arranged perpendicular to the longitudinal axis of the skirt 2. See col. 3, lines

34-37. Like Jesnig, however, Rumpler lacks at least the claimed groove provided between an operation section and a closing section that facilitates grasping of the operating section. Additionally, as is clear from Figs. 2 and 3, Rumpler lacks an inserting section including a cylindrical body having a constant diameter and at least two tapered annular flanges having notches. The notch 7 in Rumpler referenced in the Office Action is formed in its main body and not in the flanges or collars 5, 6.

On the other hand, the stopper of the claimed invention includes an inserting section (21), a closing section (22), and an operating section (23). The inserting section is configured to be fitted into the container. The closing section includes a flat surface (H) to close an opening of the container, and an annular groove (24) is provided between the operating section (23) and the closing section (22) such that the operating section (23) can be easily grasped.

The inserting section is formed of an elastically-deformable liquid-tight member and includes a cylindrical body having a constant diameter (claim 1), which is neither a circular cone nor a part of the circular cone. At least two tapered annular flanges, including notches (V1-V4), projected from the cylindrical body are sized such that peripheries of the tapered annular flanges are liquid-tightly pressed on an inner surface of the container.

With the claimed construction, the stopper is easy to manufacture. Additionally, the stopper has an improved sealing function by virtue of the at least two flanges including notches

With regard to dependent claim 4, Applicant submits that this claim is allowable at least by virtue of its dependency on an allowable independent claim.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 7 was rejected under 35 U.S.C. §103(a) over Jesnig in view of U.S. Patent No. 3,902,477 to Gerarde. Additionally, claims 7 and 8 were rejected under 35 U.S.C. §103(a) over

Rumpler in view of Gerarde. The Gerarde patent, however, does not correct the deficiencies noted above with regard to claim 1. That is, neither Gerarde nor Jesnig or Rumpler, taken singly or in combination, provides any suggestion to modify Jesnig or Rumpler to include those features noted above as lacking in Jesnig and Rumpler, respectively. Applicant thus submits that claim 7 is allowable at least by virtue of its dependency on an allowable independent claim.

Withdrawal of the rejection is thus respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

Respectfully submitted,

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